

REMARKS

Reconsideration of this application is now being requested. Claims 1-14 and 16-23 are now in this application. Claims 1, 14, 16, 18 and 21 have been amended. Claim 15 has been canceled.

Claims 1-14 and 16-23 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite

Claims 1-14 and 16-23 were rejected under 35 U.S.C. §102(e) as being anticipated by Bruckman PN 2002/0051466 or under 35 U.S.C. §103(a) over Bruckman in view of either Sayeed et al PN 5,828,677 or Buchholz et al PN 5,337,313. Applicant respectfully traverses. Claims 1, 18 and 21 have been amended to include the limitations of “wherein the first data transmission rate is different from and based on a data rate for transmitting the first encoder sub-packet indicated in a first rate indication message from a receiver.” Support for this amendment can be found at page 3 line 28 through page 5 line 11. None of the references, i.e., Bruckman, Sayeed nor Buchholz, teach or otherwise imply such a limitation of a first data transmission rate different from and based on a data rate indicated by a receiver. For this reason, claims 1, 18 and 21 are felt to be patentable under 35 U.S.C. §102(e) over Bruckman and under 35 U.S.C. §103(a) over Bruckman in view of either Sayeed or Buchholz.

Claims 2-14, 16-17, 19-20 and 22-23 depend upon, and includes all the limitations of, either claims 1, 18 or 21. Therefore, for the same reasons discussed above, claims 2-14, 16-17, 19-20 and 22-23 are also felt to be patentable under 35 U.S.C. §102(e) over Bruckman and under 35 U.S.C. §103(a) over Bruckman in view of either Sayeed or Buchholz.

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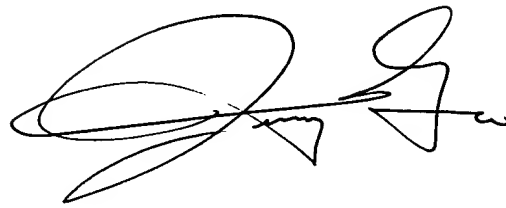
A one-month extension fee is due.

Respectfully submitted,

Arnab Das

Farooq Khan

Sanjiv Nanda

A handwritten signature in black ink, appearing to be 'Jimmy Goo', with a large loop and a trailing flourish.

Jimmy Goo

Reg. No. 36,528

Date: 11 November 2003